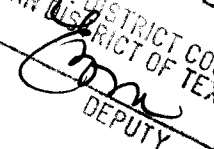


Chad Micheal Redenius
Reg. #71821-280
Petitioner, pro se
United States Penitentiary Tucson
P.O. Box 24550
Tucson, AZ 85734

FILED
2014 MAY -5 PM 2:57
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CHAD MICHAEL REDENIUS,) Case No.
)
Movant,) EP-11-CR-361-DB
)
) EP-13-CV-345-DB
)
v.)
)
UNITED STATES OF AMERICA.)
)

REQUEST FOR JUDICIAL NOTICE;
OR TO SUPPLEMENT THE RECORD

COMES NOW, Chad Redenius, the Movant in this action to
hereby request judicial notice of the following matter.

1) FACTS OF THE CASE

The Movant has raised several issues in his § 2255
motion. One of those claims was related to restitution and the
other was concerning a search of the seized hardware/lack of
evidence issue. These issues were raised prior to the
government's response and within discovery and evidentiary

hearing request motions. The Government, in it's response, failed to properly dispute the allegations as made by the Movant.

2)CHAIN OF CUSTODY

Movant submitted affidavits and exhibits of FBI documents which support the allegations that A)the forensic examination of the HP (if done at all) was delayed up to 686 days after it's seizure, (Ex.#8) and B)that those same documents also support the allegation that the FBI does not possess any physical evidence (hard drive) as it was transferred to another facility. (Ex.#3)

A)AGENT TERRAZAS

On Sunday, April 27, 2014, agent Martha Terrazas arrived at the home of the Movant's father, 10045 Galveston, El Paso, Texas, in the evening. Terrazas asked if the father possessed the returned materials, specifically asking about the hard drive. By these actions, Terrazas essentially concedes that the allegation made by the Movant was correct and the FBI does not have any hard drive containing any illegal materials supporting his conviction in their possession.

B)SEIZED AND RETURNED PROPERTY

On October 12, 2012, Martha Terrazas returned seized property to Michael Redenius. The FBI form (FD-597(Rev.8-11-94)) Receipt for Property Received/Returned/Released/Seized dated for that day indicates that 5 items, including the HP computer. There is no hard drive listed on the receipt. See attached Exhibit A.

On January 22, 2009, the FBI seized certain properties as listed on the FBI form receipt. See attached Exhibit B. There

was no hard drive listed on this receipt either.

The hard drive in question does not appear until the indictment, and as listed in the Final Order of Forfeiture. Hard Drive "Seagate Baracuda-Model No. 72001.10HD." See attached Exhibit C.

The hard drive concerned, and apparently lost by the FBI, DOES NOT appear on either the seizure receipt or the returned property receipt. Additionally, FBI documents show that the model number for the Seagate hard drive, as listed in the Indictment, etc., is the incorrect model number. The correct model number is apparently ST3500630AS. See attached Exhibits D1-D2.

Another note of interest is that on the seizure receipt (Ex.B), the FBI File #305A-EP-38228, is different than FBI File #305A-EP-38280 as listed on the return receipt (Ex.A). Further sign of the disorganization which may have led to the situation we find ourselves in-the FBI has lost, or never had, the evidence against this Movant.

In an effort to cooperate with the FBI and Agent Terrazas, Michael Redenius is gathering up all the items as listed on the return receipt so that the property may again be reviewed by the FBI. However, the FBI will not be allowed to seize the property again unless they produce a court order to do so.

Please see additional attached document Exhibits E1-E4, F, G1-G2, H, and I. Movant asks the court to take notice of the unusual circumstances in this case, circumstances which support the allegations of malfeasance.

On April 24, 2014, the United States Supreme Court made a decision in *Paroline v United States*, (No.12-8561) (S.Ct. April 24, 2014). The Court stated that the Fifth Circuit erred in holding that the defendant, who plead guilty to possessing child pornography, was liable for said victim's entire losses from the trade in her images, where: 1) restitution is proper under 18 U.S.C. 2259 only to the extent the defendant's offenses proximately caused the victim's losses; 2) victims should be compensated and defendant's should be held to account for the impact of their conduct on those victims, but defendant's should only be made liable for the consequences and gravity of their own conduct, not the conduct of others; and 3) a court should order restitution in an amount that comports with the defendant's relative role in the causal process underlying the victim's general losses.

A) PROXIMATE CAUSE

The government never proved a causal link between this Movant's conduct and the victim's losses supporting even a \$500.00 restitution order.

The Movant made a timely, well articulated challenge to the restitution order as imposed. That challenge falls in line directly with the facts in *PAROLINE* as decided by the Supreme Court.

The government never challenged or refuted the Movant's assertions that he has not caused harm or loss to those victim's concerned herein.

The restitution order should be struck, and the Movant asks the court to take notice of these facts also. The Movant has full faith in the Court, and believes the Court will take

notice and act with the proper and necessary action.

CERTIFICATE OF GOOD FAITH

I, Chad Redenius, do hereby certify and declare that the foregoing is true and correct, under full penalty of perjury as allowed by law, to the best of my knowledge.

Respectfully submitted this day, April 30, 2014.

Respectfully,

x Chad M Redenius

Chad Redenius

Petitioner, pro se

4 / 30 / 2014

U.S.P. Tucson

P.O. Box 24550

Tucson, AZ 85734

CART Request Summary - 1A Material

Request Status: Open Assigned

Submission ID: 90510
 Request Type: Examination Assistance
 Investigative Request? Yes
 Date Request Received: 12/08/2010
 Date Assigned To Lead Examiner: 12/09/2010
 Request Priority: 3 - Routine
 Date Examination Results Needed:
 Lead Examiner:
 FET/OJT Assigned: N/A
 TECH Assigned: N/A
 Submitting Agency: FBI
 Agency Case/File Number:
 Is Request Related to PIRL? No
 Created By:

Associated Case Data	
Record ID:	6278
UCFN:	305A-EI-38228
Case Agent:	SA
Case Title:	
	INI...

Exam Description & Specifics:

Search String:
 Legal Authority: Search Warrant
 Highest Classification:
 Evidence To Be Examined:
 Suspect Charged: No
 Accessed Evidence:
 Privileged Information:
 Previous Contacts:
 Other Comments:
 Service Request ID: 33996

CART Request Summary - 1A Material (Printed on 12/09/2010)

b6
b7c

b7E

Fv8

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/30/2010

To: El Paso

From: El Paso

Squad 6/Cyber

Contact: [REDACTED]

Approved By: [REDACTED] R

Drafted By: [REDACTED] mt

Case ID #: 305C-EP-38228 (Pending) 24

Title: [REDACTED]

INNOCENT IMAGES;
ITOM-SEOC

Synopsis: To document case update.

Details: On 06/21/2010, Special Agent (SA) [REDACTED] spoke with FE [REDACTED] regarding the progress of the forensic exam related to the above captioned investigation. FE [REDACTED] suggested, that because of the backlog in CART at the time, it would be a good idea to send the investigation to another office to complete the exam. SA [REDACTED] was in agreement. SA [REDACTED] and FE [REDACTED] will keep in close contact to track progress.

♦♦

UNCLASSIFIED

b6
b7C

Ext #4L

1870.1.1.22

Ex 2

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/SeizedFile # 305A-ZP-38280 ←On (date) 10/12/2012

item(s) listed below were:

- ☒ Received From
☒ Returned To
☐ Released To
☐ Seized

(Name) Michael Redmanis
(Street Address) 10045 Galveston
(City) El Paso, TX

Description of Item(s):

1 Gateway laptop + case Model 6308 G WTF-7490W00
T4A7C 41000428
1 Blackberry cell phone FCCID L4ARBR40GW
1 Belkin wireless router
1 Black Case Containing DVDs (Pornography) Adult
1 HP CPU #MX881019 F (Pavilion)

Received By:

(Signature)

Received From:

(Signature)

Ex. A

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 305A-EP-38228 ←On (date) 1/22/09

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) Michael Redenius(Street Address) 10045 Selveston Dr.(City) El Paso, TX 79924Description of Item(s): 1- HP Pavillion Computer2- Belkin Wireless Router, 7 CBS/DVB3- Blackberry phone4- Gateway Laptop5- 28 DVB in black case logic6- 6 DVD/LEVEL CASES (ONE CONTAINING DVB)7- 2 Kingston Micro SD Adapters8- EMAIL PRINTOUTS - 2 SHEETS

Ex. B

Received By:

(Signature)

Received From:

(Signature)

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

PM 12:20

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff.

-v.-

CHAD MICHEL REDENIUS, TN:
CHAD MICHAEL REDENIUS,

Defendant.

BY *B*
DEPUTY

Criminal No. EP-11-CR-361-DB

§
§
§
§
§
§
§
§
§**FINAL ORDER OF FORFEITURE**

WHEREAS, the United States has moved for a Final Order of Forfeiture;

WHEREAS, on July 7, 2011, this Court entered a Preliminary Order of Forfeiture, ordering the forfeiture of all right, title and interest of defendant CHAD MICHEL REDENIUS, true name CHAD MICHAEL REDENIUS ("REDENIUS" or the "defendant") in the properties described below:

- One (1) HP Pavilion Minitower PC bearing Model No. a6000 and Serial No. MXX811019F; and
- One (1) Seagate Baracuda hard drive bearing Model No. 72001.10 HD and Serial No. 9QG8GB87



(together the "Subject Properties");

WHEREAS, for at least 30 consecutive days, beginning July 20, 2011, the United States caused publication on an official internet government forfeiture site (www.forfeiture.gov) of notice of the Preliminary Order of Forfeiture and of the United States' intent to dispose of the Subject Properties in such manner as the Attorney General may direct, and notice that any third parties claiming an interest in the forfeited properties must file a petition with the Court within sixty (60)

Exc

[REDACTED] (EP) (FBI)

From: [REDACTED] (EP) (FBI)
Sent: Thursday, March 17, 2011 3:43 PM
To: [REDACTED] (EP) (FBI)
Subject: RE: Values For Equipment

b6
b7C

Thank you.

From: [REDACTED] (EP) (FBI)
Sent: Thursday, March 17, 2011 12:34 PM
To: [REDACTED] (EP) (FBI)
Subject: RE: Values For Equipment

b6
b7C

1. (1) HP Pavilion Minitower PC, Model No. a6000, S/N MXX811019F - \$400
2. (1) Seagate Barracuda hard drive, Model No. 72001.10 HD, S/N 9QG8GB87 - \$35

From: [REDACTED] (EP) (FBI)
Sent: Thursday, March 17, 2011 12:17 PM
To: [REDACTED] (EP) (FBI); [REDACTED] (EP) (CON)
Cc: [REDACTED] (EP) (FBI)
Subject: RE: Values For Equipment

b6
b7C

Hello [REDACTED]

Thanks for helping us out this morning. The hard drive is 500 GB and the model number is ST3500630AS. ↙

Thanks
[REDACTED]

From: [REDACTED] (EP) (FBI)
Sent: Monday, March 14, 2011 5:02 PM
To: [REDACTED] (EP) (CON)
Cc: [REDACTED] (EP) (FBI); [REDACTED] (EP) (FBI)
Subject: RE: Values For Equipment

Do you know the size of the hard drive? The model number listed is not the correct model number. ↙

Thanks.

b6
b7C

From: [REDACTED] (EP) (CON)
Sent: Monday, March 14, 2011 4:00 PM
To: [REDACTED] (EP) (FBI)

Cc: [redacted] EP) (FBI); [redacted] EP)(FBI)
Subject: Values For Equipment

b6
b7c

Hello [redacted]

Can you please provide us with values for the equipment that we are forfeiting on the Chad Michael Redenlus case (305A-EP-38228).

The items are:

1. (1) HP Pavilion Minitower PC, Model No. a6000, S/N MXX811019F
2. (1) Seagate Barracuda hard drive, Model No. 72001.10 HD, S/N 9QG8GB87

Thanks,

[redacted]
Records Examiner/Analyst-FSA

El Paso Forfeiture Unit

Tel: [redacted]

Fax: (915) 832-5449

Chad M. Redenius

Reg. #71821-280

United States Penitentiary Tucson

P.O. Box 24550

Tucson, AZ 85734

United States Attorney's Office

Assistant US Attorney Anne E. Arreola

700 E. San Antonio, Ste. #200

El Paso, TX 79901

7/30/2012

RE:Notice-Request for Property/Intent to Sue

Ms. Anne E. Arreola:

This shall serve as notice of a request for property which is owned by Chad Redenius and Michael Redenius. Requested property, as listed below, is being held in violation of the United States Forfeiture Codes, 18 USC § 2253 and 21 USC § 853, and the plea agreement in criminal case number 3:11CR00361-001, between Chad Redenius and the United States government.

The property as listed herein shall be returned to the owner, Chad Redenius, or his agent in this matter which is Michael Redenius of 10045 Galveston, El Paso, TX 79924.

Ex. E2

Chad Redenius will initiate court proceedings in this matter 45 days from the receipt of this demand notice. This notice is being served certified, first-class by and through the United States Postal Service.

On or about January 22, 2012, the Federal Bureau of Investigation executed a search warrant on the residence of Michael Redenius, 10045 Galveston, El Paso, TX 79924, at which Chad Redenius also resided. During said search the agents took the following property, as per the F.B.I. form of Receipt for Property Received/Returned/Released/Seized, File #305A-EP-38228:

ITEM	Approx. Value
1)1-HP Pavilion Minitower Computer	FORFEIT
2)1-Belkin Wireless Router	\$100.00
3)1-Blackberry Phone	\$300.00
4)1-Gateway Laptop	\$1300.00
5)28-DVD's in Black CaseLogic Case	\$870.00
6)6-DVD Jewel Cases and 1 DVD	\$50.00
7)2-Kingston MicroAdapters	\$20.00
8)Email Printouts(2 sheets)	\$1.00

Total approximate value of items as per inventory sheet is \$2641.00. THIS IS NOT THE TOTAL VALUE OF CLAIM.

Chad Redenius also requests the non-contraband data from the seized and forfeited computers. These items include, but are not limited to, personal photographs, personal information,

Ex. E2

correspondence, etc. The value of this information and items are priceless. The actual damages from the loss of this information and items will have to be determined in the future in the event that the government is unable, or unwilling, to separate the data and return the non-contraband data.

The agreement between the United States and Chad Redenius allowed for the forfeiture of:

- a) One(1) HP Pavilion Minitower PC bearing Model No. a6000 and Serial No. MXX811019F, and
- b) One(1) Seagate Barracuda hard drive bearing Model No. 72001.10 HD and Serial No. 9QG8GB87.

See attached copy of Docket No. 1, Page 2/2. (Indictment)


During the plea colloquy of the plea change hearing held on April 20, 2011 the Court asked Mr. Chad Redenius to stipulate to the forfeiture of the items listed in the indictment as listed above.

See attached copy of plea hearing held on 4/20/11, pages 14-15.

The agreement allowed only for the forfeiture of the items listed in the Indictment. The Court allowed for the forfeiture of only those said items.

Chad Redenius will be awaiting a response. At that time an

Ex. E3

agreement can be reached as to what non-contraband data, and
seized non-forfeited items may be returned to him. In the
event that the information cannot be segregated, a value must
be assigned at that time. The value of the other items is as
listed above. 

This is an attempt to arbitrate a settlement and the return of
the property without further involvement of the courts.

Mr. Redenius will be awaiting a response within the next 45
days form receipt of this letter.

Thank you.

Respectfully:

X _____

Chad Michael Redenius 7/30/2012

Ex. E4



U.S. Department of Justice
United States Attorney
Western District of Texas

700 E. San Antonio, Suite 200
El Paso, Texas 79901

Phone (915) 534-6884
Facsimile (915) 534-6024

August 10, 2012

Sent via Certified Mail

Chad M. Redenius
Reg. # 71821-280
United States Penitentiary Tucson
P.O. Box 24550
Tucson, AZ 85734

Re: Response for request of property
FBI File # 305A-EP-38228

Dear Mr. Redenius,

The Government writes in response to your letter, dated July 30, 2012, requesting the return of certain properties. The United States Attorney's Office does not have custody of these items. You may contact the investigative agency, the Federal Bureau of Investigation ("FBI"), regarding the items listed in your correspondence. The contact person at FBI is Rosie Saenz, Paralegal Specialist, El Paso Federal Justice Center, 660 S. Mesa Hills, Suite 3000 El Paso, Texas 79912.

Please note that two computers listed in your letter were forfeited to the United States in your criminal case. A copy of the Final Order of Forfeiture is enclosed.

Regards,

ROBERT PITMAN
United States Attorney for the
Western District of Texas

By:

Anna E. Arreola / ml

Anna E. Arreola
Assistant United States Attorney
700 E. San Antonio Ave. Suite 200
El Paso, Texas 79901
Tel: (915) 534-3481
Fax: (915) 534-3461

EX.F

Chad Redenius

Reg. #71821-280

United States Penitentiary Tucson

P.O. Box 24550

Tucson, AZ 85734

United States Attorneys Office

AUSA Anna E. Arreola

700 E. San Antonio Ave., Ste.#200

El Paso, TX 79901

8/15/2012

RE:Response to Request for Property/F.O.I.A.

Ms. Arreola:

Thank you for your prompt response to my request dated July 30, 2012, regarding return of property. Your response has raised some particular concerns about which property was actually referred to in the 'FINAL ORDER OF FORFEITURE' (Doc. 64, pgs.1-3) which states the following:

- One (1) HP Pavilion MiniTower PC bearing
Model No.a6000 and Serial No. MXX811019F;

and

- One (1) Seagate Baracuda hard drive
bearing Model No. 72001.10 HD and Serial
No. 9QG8GB87

64.61

Your letter indicated that I should, "[P]lease take note that TWO 'computers' (as listed) were forfeited.

The problem lies in that the Forfeiture Count contained in the Indictment stated the same facts, however, the hard drive which is listed is THE HARD DRIVE FROM THE HP MINITOWER, NOT the Gateway laptop as referred to in my return of property letter. Accordingly, it was NOT two 'computers' which were knowingly forfeited, but the HP Minitower and the hard drive contained therein. This is also the understanding my attorney held, which she has just recently reiterated.

Please address the issue of whether your position is that the HP Minitower(which I stipulated was forfeited) AND the Gateway laptop were BOTH forfeited as per the forfeiture notice? Or, to put it another way, is the referenced hard drive from the HP or from the Gateway? What EXACTLY are the two things forfeited? Please, do not just simply label the forfeited items 'computers' as this is obviously incorrect.

I have also included a copy of a F.O.I.A./P.A. request. Please process this as soon as you are able.

Thank you.


Respectfully,

X _____

Chad Redenius 8/15/2012

Ex. 62

Chad Redenius
Reg. #71821-280
United States Penitentiary
P.O. Box 24550
Tucson, AZ 85734

Federal Bureau of Investigation
S.A.-M. Terrazas,  c/o Rosie Saenz-Paralegal Specialist
660 S. Mesa Hills, Ste. #3000
El Paso, TX 79912

8/16/2012

RE:Notice-Request for Property/Intent to Sue

Ms. Rosie Saenz:

Enclosed is a notice of a request fro the return of specific property as seized by the government. It was originally addressed to S.A. Martha Terrazas. The United States Attorney's Office mentioned your name as the contact person for matters such as this. This request is being presented to you to ensure it is properly handled.

Thank you.

Respectfully,

X _____

Chad Redenius 8/16/2012

Ex. H



U.S. Department of Justice
United States Attorney
Western District of Texas

700 E. San Antonio, Suite 200
El Paso, Texas 79901

Phone (915) 534-6884
Facsimile (915) 534-6024

September 10, 2012

Sent via Certified Mail

Chad M. Redenius
Reg. # 71821-280
United States Penitentiary Tucson
P.O. Box 24550
Tucson, AZ 85734

Re: Response for request of property
FBI File # 305A-EP-38228 ←
Criminal Case EP-11-CR-361-DB

Dear Mr. Redenius,

The Government writes in response to your letter, dated August 15, 2012. The items that were forfeited in the criminal case are those that were specifically listed in the Final Order of Forfeiture.

As to your F.O.I.A. request, I have forwarded your original letter to our San Antonio office. These requests are handled through that office.

Regards,

ROBERT PITMAN
United States Attorney for the
Western District of Texas

By: Anna Arreola / m
Anna E. Arreola
Assistant United States Attorney
700 E. San Antonio Ave. Suite 200
El Paso, Texas 79901
Tel: (915) 534-3481
Fax: (915) 534-3461

Ex. I

CERTIFICATE OF SERVICE AND MAILING

I, Chad Redenius, do hereby certify and declare that the foregoing document was placed in the PRISON LEGAL MAIL system here at United States Penitentiary Tucson, P.O. Box 24550, Tucson, AZ 85734, with full (☒) first-class, (☒) certified postage paid on this 30th day of April, 2014. Accordingly, this document should be considered filed on said date.

Additionally, a true and correct copy of this document was sent to the following via US Postal Mail:

US District Court-Clerk

United States Attorneys Office

AUSA Anna E. Arreola

700 E. San Antonio Ave. Ste. #200

El Paso, TX 79901

x Chad Redenius

Chad Redenius, Movant-pro se

USP Tucson

P.O. Box 24550

Tucson, AZ 85734

RECEIVED

MAY 05 2014
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CHAD MICHAEL REDENIUS,

§

Fed. Reg. No. 71821-280,

§

Movant,

SEP-13-CV-345-DB

SEP-11-CR-361-DB-1

v.

§

§

UNITED STATES OF AMERICA,

§

Respondent.

§

ORDER

CAME ON THIS DAY for consideration, the Movant's motion to place request for judicial notice on the record, and having considered the same, the motion should be GRANTED.

IT IS ORDERED that the request for judicial notice be granted.

SO ORDERED.

SIGNED AND ENTERED this ____ day of _____, 2014.

David Briones

Senior United States District Judge